

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RALPH SHELLENHAMER,
Petitioner

v.

SUPERINTENDENT KAUFMANN et al.,
Respondents

CIVIL ACTION

NO. 19-0148

ORDER

AND NOW, this 6th day of December, 2019, upon consideration of *pro se* Petitioner Ralph Shellenhamer's Petition for Writ of *Habeas Corpus* (Doc. No. 2), the respondents' response thereto (Doc. No. 11), U.S. Magistrate Judge Lynne A. Sitarski's Report & Recommendation (Doc. No. 14), and the lack of objections thereto, it is **ORDERED** that:

1. The Report & Recommendation (Doc. No. 14) is **APPROVED** and **ADOPTED**.
2. The Petition for Writ of *Habeas Corpus* (Doc. No. 2) is **DENIED**.
3. There is no probable cause to issue a certificate of appealability.¹
4. The Clerk of Court shall mark this case **CLOSED** for all purposes, including statistics.

BY THE COURT:



GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE

¹ A certificate of appealability may issue only upon "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). A petitioner must "demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Lambert v. Blackwell*, 387 F.3d 210, 230 (3d Cir. 2004). The Court agrees with U.S. Magistrate Judge Sitarski that there is no probable cause to issue such a certificate in this action.